IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.27750 of 1998

Dated: 27-07-2007

Between:

1. Tippala Appala Narasamma, w/o Reddy and 10 others.

... Petitioners

and

1. The District Collector, Visakhapatnam and 3 others.

... Respondents

ORDER:

Heard learned counsel for the parties.

2. Petitioners state that they were granted 'D-form' pattas in 1977-78 in respect of the lands in an extent of Acs.5-00 each in Sy.Nos.272 and 274 and parts thereof situated at Pedaganchayada and since then they have been in peaceful possession and enjoyment of the same.

They further state that respondents issued notices dated 14-09-1997, which were received by them on 16-09-1998, calling upon them to explain as to why they shall not be evicted from out of the lands in question on the alleged ground that they have obtained pattas on the

basis of the misrepresentations. As there was threat of dispossession, they filed the present writ petition.

3. This Court, on 23-09-1998 while issuing *Rule nisi,* granted interim direction in W.P.M.P.No.33721 of 1998 restraining respondents from dispossessing petitioners from the lands in question.

4. A detailed counter affidavit is filed on behalf of respondents, wherein it is stated that so far no action has been taken by first respondent either to cancel the 'D-form' pattas or to dispossess petitioners from out of the lands in question. It is also stated that the explanation offered by petitioners is under examination.

5. In the light of the said averments made in the counter affidavit, this Court is of the view that definitely on a mere apprehension, petitioners approached this Court and filed the present writ petition. But, however, as an explanation is offered, to the show cause notices and the enquiry is being conducted, respondents are hereby directed not to dispossess petitioners from out of the lands in question pending consideration of the said explanation and the enquiry.

6. At this juncture, learned counsel for petitioners submits that pursuant to the orders passed by this Court on 14-03-2007 dismissing the writ petition for default, on the instructions given by first respondent – District Collector, fourth respondent – Mandal Revenue Officer conducted panchanama for taking possession of the lands in question on paper and thereafter efforts are being made to assign the lands in question in favour of third parties. In my considered view, as the writ petition is restored and this Court is passing final orders directing

respondents to hold an enquiry pursuant to the explanation offered by petitioners, respondents are directed to allow petitioners to continue in possession of the lands in question and no third party interest be created during the pendency of the said enquiry.

7. Subject to the above directions, the writ petition is dismissed. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.27-07-2007
Note: Issue C.C. in two days.
B/o
GLV